

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

|   |  |
|---|--|
| In re:<br><br>HILAL K. HOMAIDAN fka Helal K. Homaidan<br><br>Debtor,  | Chapter 7<br><br>Case No. 08-48275 (ESS) |
| In re:<br><br>REEHAM YOUSSEF aka Reeham Navarro Youssef aka<br>Reeham N. Youssef<br><br>Debtor,   | Chapter 7<br><br>Case No. 13-46495 (ESS) |
| HILAL K. HOMAIDAN and REEHAM YOUSSEF on<br>behalf of themselves and all others similarly situated<br><br>Plaintiffs,<br><br>v.<br><br>SALLIE MAE, INC, NAVIENT SOLUTIONS, LLC,<br>NAVIENT CREDIT FINANCE CORPORATION<br><br>Defendants. | Adv. Pro. No. 17-1085                    |

**AMENDED NOTICE OF MOTION FOR CLASS CERTIFICATION, PARTIAL  
SUMMARY JUDGMENT AND A PRELIMINARY INJUNCTION**

TO ALL PARTIES:

**PLEASE TAKE NOTICE**, that Plaintiffs hereby move as follows:

1. Pursuant to Bankruptcy Rule 7023 and Federal Rule of Civil Procedure 23 for an order certifying a class in this proceeding;
2. Pursuant to Bankruptcy Rule 7056 and Federal Rule of Civil Procedure 56 for Partial Summary Judgment on liability and restitution; and

3. Pursuant to Bankruptcy Rule 7065 and Federal Rule of Civil Procedure 65 for a Preliminary Injunction enjoining Defendants from collecting or making attempts to collect on discharged debts pending final resolution of this proceeding.

**PLEASE TAKE FURTHER NOTICE**, that a hearing on the motions will be held before the Honorable Elizabeth S. Stong United States Bankruptcy Judge in the United States Bankruptcy Court for the Eastern District of New York 271-C Cadmen Plaza East, Room 3585, Brooklyn, New York 11201 on February 18, 2020 at 2:30 p.m. or as soon thereafter as counsel may be heard. Any responses or objections to the motion must be in writing shall, conform to the Federal Rules of Civil Procedure and the local bankruptcy rules of the Eastern District of New York and shall be filed with the bankruptcy court and served so as to be received by a date to be agreed upon by the parties.

Dated: December 20, 2019

Respectfully submitted,

**BOIES SCHILLER FLEXNER LLP**

By: /s/ George F. Carpinello  
George F. Carpinello  
Adam R. Shaw  
30 South Pearl Street  
Albany, NY 12207  
(518) 434-0600

**SMITH LAW GROUP**

Austin C. Smith, Esq.  
3 Mitchell Place, Suite 5  
New York, NY 10017

**JONES, SWANSON, HUDDALL &  
GARRISON, L.L.C.**

Lynn E. Swanson (admitted *pro hac vice*)  
Peter Freiberg (admitted *pro hac vice*)  
601 Poydras Street, Suite 2655  
New Orleans, Louisiana 70130

**FISHMAN HAYGOOD LLP**

Jason W. Burge (admitted *pro hac vice*)  
201 St. Charles Avenue, 46th Floor  
New Orleans, Louisiana 70170

*Counsel for Plaintiffs*